

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: July 30, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KDH CONSULTING GROUP LLC,
Plaintiff,

– against –

ITERATIVE CAPITAL MANAGEMENT L.P., et al.,
Defendants.

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1:20 Civ. 03274 (VM)

**MOTION TO RECOVER COSTS
AND DAMAGES FROM THE TRO
SECURITY POSTED BY PLAINTIFF**

Defendants Iterative Capital Management L.P., Iterative Capital GP, LLC, Iterative OTC, LLC, Iterative Mining, LLC, Brandon Buchanan, and Christopher Dannen, through undersigned counsel and pursuant to this Court's Decision and Order [Dkt. 37], and Federal Rule of Civil Procedure 65(c) and 65.1, respectfully request that the Court grant their Motion To Recover Costs and Damages From the TRO Security Posted By Plaintiff, awarding Defendants their costs and damages incurred as a result of the temporary restraining order wrongfully issued on April 27, 2020 [Dkt. 9], up to the amount of the security posted by Plaintiff KDH Consulting Group LLC. The facts in support of this Motion are presented in the attached Declaration of Brandon Buchanan and the arguments in support of this Motion are presented in the attached Memorandum in Support, each of which are incorporated herein.

Dated: July 29, 2020

Respectfully submitted,

s/ Robert J. Boller

Robert J. Boller

Lawrence Gerschwer

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2020, I served a copy of the foregoing upon the below via the Court's CM/ECF system:

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Counsel for Plaintiff

s/ Robert J. Boller
Robert J. Boller

Plaintiff is directed to respond within five days of the date of this Order.

SO ORDERED.

July 30, 2020

DATE


VICTOR MARRERO, U.S.D.J.